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ABSTRACT

Presented in this bulletin is the text of the hearing before the Conservation and Natural Resources Subcommittee of the Committee on Government Operations, United States House of Representatives, ninety-first Congress, concerning the transfer of environmental evaluation functions to the Environmental Quality Council (EQC). The hearing was held July 9, 1969, to obtain the views of the executive branch, presented by Dr. Lee DuBridge, Director, Office of Science and technology, regarding bill H. R. 11952. In essence, the bill first gives statutory recognition to the EQC and transfers to it a number of specified environmental functions of various executive branch agencies relating to evaluation of the effect of certain activities upon the environment. Secondly, it sets up a declaration of national environmental policy and sets forth an environmental bill of rights governing each American plus a set of duties of a general environmental nature that all federal agencies are supposed to bear in mind. Thirdly, it requests an annual conservation and environmental report and provides for study of the report by the respective Government Operations Committees of the House and Senate. Texts of H.R. 11952, Executive Order 11472, and the Jackson bill S. 1075 are also included. (BL)

ED 064164

TRANSFERRING ENVIRONMENTAL EVALUATION FUNCTIONS TO THE ENVIRONMENTAL QUALITY COUNCIL

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U.S. DEPARTMENT OF HEALTH, EDUCATION & WELFARE
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HEARING

BEFORE A

SUBCOMMITTEE OF THE COMMITTEE ON GOVERNMENT OPERATIONS HOUSE OF REPRESENTATIVES

NINETY-FIRST CONGRESS

FIRST SESSION

ON

H.R. 11952

TO REORGANIZE THE EXECUTIVE BRANCH OF THE GOVERNMENT BY TRANSFERRING FUNCTIONS OF VARIOUS AGENCIES RELATING TO EVALUATION OF THE EFFECT OF CERTAIN ACTIVITIES UPON THE ENVIRONMENT TO THE ENVIRONMENTAL QUALITY COUNCIL, AND FOR OTHER PURPOSES

JULY 9, 1969

Printed for the use of the
Committee on Government Operations

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TRANSFERRING ENVIRONMENTAL EVALUATION FUNCTIONS TO THE ENVIRONMENTAL QUALITY COUNCIL

WEDNESDAY, JULY 9, 1969

HOUSE OF REPRESENTATIVES,
CONSERVATION AND NATURAL RESOURCES SUBCOMMITTEE
OF THE COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, D.C.

The subcommittee met at 10:10 a.m., in room 2247, Rayburn House Office Building, Hon. Henry S. Reuss (chairman of the subcommittee) presiding.

Members present: Representatives Henry S. Reuss, John E. Moss, Guy Vander Jagt, Gilbert Gude, and Paul N. McCloskey, Jr.

Staff present: Phineas Indritz, chief counsel; Laurence Davis, assistant counsel; and J. P. Carlson, minority counsel, Committee on Government Operations.

Mr. REUSS. Dr. DuBridge, a number of other members will be here in a minute but I think in the interest of your time we should get started. Accordingly, the Subcommittee on Conservation and Natural Resources will be in order. Our purpose is twofold: To welcome you, Dr. DuBridge, and to get to know you because our committee jurisdiction and your directorship of the Office of Science and Technology have a good deal in common and we admire very much your record of achievement before coming here and what you have done since you have come here—and we are just delighted to have the opportunity of working with you.

Secondly, we are here to receive the views of the executive branch on our bill, H.R. 11952, which bears the cosponsorship of all the members of this subcommittee, as well as that of Congressman John A. Blatnik, chairman of the Executive and Legislative Reorganization Subcommittee.

In essence, what H.R. 11952 does is, first, to give statutory recognition to the Environmental Quality Council set up by the Executive order of May 29, 1969, and to transfer to it a number of specified environmental functions of various executive branch agencies while retaining those functions in the agencies themselves.

Secondly, the bill sets up a declaration of national environmental policy quite similar to the declaration of national economic policy contained in the Employment Act of 1946. In addition it sets forth an environmental bill of rights governing each American plus a set of duties of a general environmental nature that all Federal agencies are supposed to bear in mind.

Thirdly, in section 3, we would request from your Council an annual conservation and environmental report and then provide that that report be studied by the respective Government Operations Committees of the House and Senate.

H.R. 11952 is a somewhat narrower bill, as you know, than those submitted by a good many Members of Congress—Mr. Dingell, myself, Senator Muskie, Senator Jackson—which broader bills in general set up a separate independent council of environmental or conservation or ecological advisers and in some cases give to that advisory council the power to block certain administrative action by other agencies.

I think there is much to be said for an independent council of conservation advisers and actually there is nothing inconsistent, in my judgment, between such a separate independent council and the intra-Cabinet agency of which you are the Executive Director under the Environmental Quality Council Executive order.

We adopt the rather more modest approach in this bill of taking what there is, what the President has set up by Executive order, and what is in being, and trying to regularize the relationship between that and the Congress.

(The texts of H.R. 11952 and of Executive Order 11472 follow:)

91ST CONGRESS
1ST SESSION

H. R. 11952

IN THE HOUSE OF REPRESENTATIVES

JUNE 9, 1969

Mr. REUSS (for himself, Mr. BLATNIK, Mr. GUDE, Mr. HICKS, Mr. MCCLOSKEY, Mr. MOSS, Mr. VANDER JAGT, and Mr. WRIGHT) introduced the following bill; which was referred to the Committee on Government Operations

A BILL

To reorganize the executive branch of the Government by transferring functions of various agencies relating to evaluation of the effect of certain activities upon the environment to the Evironmental Quality Council, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TRANSFER OF FUNCTIONS

SECTION 1. (a) There are hereby transferred to the Environmental Quality Council (hereafter referred to as Council), established by Executive Order 11472 of May 29, 1969 (34 F.R. 8693), the executive branch functions pertaining to evaluating effects upon the environment which may result from the activities authorized in the following statutes:

(1) Activities of the Secretary of the Interior and of all components of the Department of the Interior under:

(A) the Fish and Wildlife Coordination Act (Act of March 10, 1934, as amended; 16 U.S.C. 661–666c);

(B) section 12 of the Watershed Protection and Flood Prevention Act, as amended (16 U.S.C. 1008);

(C) section 16A of the Soil Conservation and Domestic Allotment Act, as amended (16 U.S.C. 590p–1); and

(D) subsection (e) of section 702 of the Housing Act of 1961, as amended (42 U.S.C. 1500a(e)).

(2) Activities of the Secretary of Defense, the Secretary of the Army, the Chief of Engineers, the Board of Engineers for Rivers and Harbors; the Board on Coastal Engineering Research, and of all components of the Department of Defense, or of the Department of the Army, or of either of them, under:

(A) Sections 9, 10, 11, 13, and 14 of the River and Harbor Act of 1899 (33 U.S.C. 401, 403, 404, 407, 408).

(B) Section 2 of the Act of August 5, 1886 (33 U.S.C. 407a).

(C) Section 4 of the Act of March 3, 1905 (33 U.S.C. 419).

(D) Section 3 of the Act of June 13, 1902, as amended (33 U.S.C. 541).

(E) Section 2 of the Act of November 7, 1963 (33 U.S.C. 426–2).

(3) Activities of the Secretary of Transportation and of all components of the Department of Transportation under:

(A) Section 138 of title 23, United States Code, as amended by section 18 of the Act of August 23, 1968 (Public Law 90-495).

(B) Section 4 (f) of the Department of Transportation Act (80 Stat. 931, Public Law 89–670), as amended by section 18 of the Act of August 23, 1968 (Public Law 90–495).

(4) Activities of the Federal Power Commission under sections 4 (e) and 10 (a) of the Federal Power Act (16 U.S.C. 797 (e) and 803 (a)).

(5) Activities of the Secretary of Housing and Urban Development and of all components of the Department of Housing and Urban Development under subsection (a) of section 703 of the Housing Act of 1961, as amended (42 U.S.C. 1500b (a)).

(6) Activities of the Air Quality Advisory Board of the Department of Health, Education, and Welfare under section 110 of the Clean Air Act, as amended (42 U.S.C. 1857e).

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(b) The Environmental Science Services Administration created by Reorganization Plan Numbered 2 of 1965 (30 F.R. 8819) is transferred from the Department of Commerce to the Environmental Quality Council, and all functions of supervision or otherwise of the Secretary of Commerce or other component of the Department of Commerce over such Administration are likewise transferred to the Environmental Quality Council.

(c) The transfer of functions effected by subsection (a) above shall not diminish the duty and authority of the respective Secretaries and agencies listed above to evaluate environmental effects which may result from any of their respective activities under the statutes listed in subsection (a) above.

DECLARATION OF NATIONAL ENVIRONMENTAL POLICY

SEC. 2. (a) The Congress, recognizing that man depends on his biological and physical surroundings for food, shelter, and other needs, and for cultural enrichment as well; and recognizing further the profound influences of population growth, high-density urbanization, industrial expansion, resource exploitation, and new and expanding technological advances on our physical and biological surroundings, and on the quality of life available to the American people, hereby declares that it is the continuing policy and responsibility of the Federal Government to use all

practicable means, consistent with other essential considerations of national policy, to improve and coordinate Federal plans, functions, programs, and resources to the end that the Nation may—

(1) fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;

(2) assure for all Americans safe, healthful, productive, and esthetically and culturally pleasing surroundings;

(3) attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other unintended, unanticipated, and undesirable consequences;

(4) preserve important historic, cultural, and natural aspects of our national heritage, and maintain, wherever possible, diversity and variety;

(5) achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and

(6) enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

(b) The Congress recognized that each person has a fundamental and inalienable right to a healthful environment

and that each person has a responsibility to contribute to the preservation and enhancement of the environment.

(c) The Congress authorizes and directs that the policies, regulations, and public laws of the United States be interpreted and administered in accordance with the policies set forth in this Act, and that all agencies of the Federal Government—

(1) utilize to the fullest extent possible a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and decisionmaking which may have an impact on man's environment;

(2) identify and develop methods and procedures which will insure that presently unqualified environmental amenities and values may be given appropriate consideration in decisionmaking along with economic and technical considerations;

(3) include in every recommendation or report on proposals for legislation or other significant Federal actions affecting the quality of the human environment, a finding by the responsible official that:

(i) the environmental impact of the proposed action has been studied and considered;

(ii) any adverse environmental effects which cannot be avoided by following reasonable alterna-

tives are justified by stated considerations of national policy;

(iii) local short-term use of man's environment are consistent with maintaining and enhancing long-term productivity; and

(iv) any irreversible and irretrievable commitments of resources are warranted;

(4) study, develop, and describe appropriate alternatives and recommend courses of action in any proposal which involves unresolved conflicts concerning alternative uses of land, water, or air;

(5) recognize the worldwide and long-range character of environmental problems and lend appropriate support to initiatives, resolutions, and programs designed to maximize international cooperation in anticipating and preventing a decline in the quality of mankind's world environment;

(6) review present statutory authority, administrative regulations and current policies and procedures for conformity to the purposes and provisions of this Act and propose to the President and to the Congress within one year after the date of enactment such measures as may be necessary to make their authority consistent with this Act.

(d) The policies and goals set forth in this Act are

amendatory and supplementary to, but shall not be considered to repeal the existing mandates and authorizations of Federal agencies.

ANNUAL CONSERVATION AND ENVIRONMENTAL REPORT

SEC. 3. The Council shall prepare and transmit to the President, to the Congress, and to the Nation, not later than January 20 of each year (commencing with the year beginning more than six months after the date of enactment of this Act) a report (hereinafter called the conservation and environmental report) setting forth (i) the condition of the environment and of natural resources, including soil, air, water, fish and wildlife, recreational and natural areas, forests and vegetation; (ii) current and foreseeable trends in environmental quality and in management and utilization of natural resources; (iii) the adequacy of available natural resources for fulfilling human and economic requirements of the Nation in the light of expected population pressures; (iv) a review of the programs and activities (including regulatory activities) of the Federal Government, the State and local governments, and nongovernmental entities or individuals, with particular reference to their effect on the environment and on the conservation, development, and utilization of natural resources; (v) a program for remedying the deficiencies of existing programs and activities, together with recommendations for legislation. The conservation and

environmental report and all supplementary reports thereto which are transmitted to Congress shall be referred to the Committees on Government Operations of the Senate and House of Representatives, respectively.

AUTHORIZATION FOR APPROPRIATIONS

SEC. 4. There are hereby authorized to be appropriated such sums as may be necessary to enable the Council to exercise its powers, functions, and duties under this Act.

Executive Order 11472, May 29, 1969 (34 F.R. 8693)

ESTABLISHING THE ENVIRONMENTAL QUALITY COUNCIL AND THE CITIZENS' ADVISORY COMMITTEE ON ENVIRONMENTAL QUALITY

By virtue of the authority vested in me as President of the United States, it is ordered as follows:

Part I. ENVIRONMENTAL QUALITY COUNCIL

ESTABLISHMENT OF THE COUNCIL

Sec. 101. (a) There is hereby established the Environmental Quality Council (hereinafter referred to as "the Council").

(b) The President of the United States shall preside over meetings of the Council. The Vice President shall preside in the absence of the President.

(c) The Council shall be composed of the following members:

The Vice President of the United States,
Secretary of Agriculture,
Secretary of Commerce,
Secretary of Health, Education, and Welfare,
Secretary of Housing and Urban Development,
Secretary of the Interior, and
Secretary of Transportation,

and such other heads of departments and agencies and others as the President may from time to time direct.

(d) Each member of the Council may designate an alternate, who shall serve as a member of the Council whenever the regular member is unable to attend any meeting of the Council.

(e) When matters which affect the interests of Federal agencies the heads of which are not members of the Council are to be considered by the Council, the President or his representative may invite such agency heads or their alternates to participate in the deliberations of the Council.

(f) The Director of the Bureau of the Budget, the Chairman of the Council of Economic Advisers, and the Executive Secretary of the Council for Urban Affairs or their representatives may participate in the deliberations of the Environmental Quality Council as observers.

(g) The Science Adviser to the President shall be the executive secretary of the Council and shall assist the President in directing the affairs of the Council.

FUNCTIONS OF THE COUNCIL

SEC. 102. (a) The Council shall advise and assist the President with respect to environmental quality matters and shall perform such other related duties as the President may from time to time prescribe. In addition thereto, the Council is directed to:

(1) Recommend measures to insure that Federal policies and programs, including those for development and conservation of natural resources, take adequate account of environmental effects.

(2) Review the adequacy of existing systems for monitoring and predicting environmental changes so as to achieve effective coverage and efficient use of facilities and other resources.

(3) Foster cooperation between the Federal Government, State and local governments, and private organizations in environmental programs.

(4) Seek advancement of scientific knowledge of changes in the environment and encourage the development of technology to prevent or minimize adverse effects that endanger man's health and well-being.

(5) Stimulate public and private participation in programs and activities to protect against pollution of the Nation's air, water, and land and its living resources.

(6) Encourage timely public disclosure by all levels of government and by private parties of plans that would affect the quality of environment.

(7) Assure assessment of new and changing technologies for their potential effects on the environment.

(8) Facilitate coordination among departments and agencies of the Federal Government in protecting and improving the environment.

(b) The Council shall review plans and actions of Federal agencies affecting outdoor recreation and natural beauty. The Council may conduct studies and make recommendations to the President on matters of policy in the fields of outdoor recreation and natural beauty. In carrying out the foregoing provisions of this subsection, the Council shall, as far as may be practical, advise Federal agencies with respect to the effect of their respective plans and programs on recreation and natural beauty, and may suggest to such agencies ways to accomplish the purposes of this order. For the purposes of this order, plans and programs may include, but are not limited to, those for or affecting: (1) development, restoration, and preservation of the beauty of the countryside, urban and suburban areas, water resources, wild rivers, scenic roads, parkways and highways; (2) the protection and appropriate management of scenic or primitive areas, natural wonders, historic sites, and recreation areas; (3) the management of Federal land and water resources, including fish and wildlife, to enhance natural beauty and recreational opportunities consistent with other essential uses; (4) cooperation with the States and their local subdivisions and private organizations and individuals in areas of mutual interest; (5) interstate arrangements, including Federal participation where authorized and necessary; and (6) leadership in a nationwide recreation and beautification effort.

(c) The Council shall assist the President in preparing periodic reports to the Congress on the subjects of this order.

COORDINATION

SEC. 103. The Secretary of the Interior may make available to the Council for coordination of outdoor recreation the authorities and resources available to him under the act of May 28, 1963 (77 Stat. 49); to the extent permitted by law, he may make such authorities and resources available to the Council also for promoting such coordination of other matters assigned to the Council by this order.

ASSISTANCE FOR THE COUNCIL

SEC. 104. In compliance with provisions of applicable law, and as necessary to serve the purposes of this order, (1) the Office of Science and Technology shall provide or arrange for necesary administrative and staff services, support, and facilities for the Council, and (2) each department and agency which has membership on the Council under section 101(c) hereof shall furnish the Council such information and other assistance as may be available.

Part II. CITIZENS' ADVISORY COMMITTEE ON ENVIRONMENTAL QUALITY

ESTABLISHMENT OF THE COMMITTEE

SEC. 201. There is hereby established the Citizens' Advisory Committee on Environmental Quality (hereinafter referred to as the "Committee"). The Committee shall be composed of a Chairman and not more than 14 other members appointed by the President. Appointments to membership on the Committee shall be for staggered terms, except that the chairman of the Committee shall serve until his successor is appointed.

FUNCTIONS OF THE COMMITTEE

SEC. 202. The Committee shall advise the President and the Council on matters assigned to the Council by the provisions of this order.

EXPENSES

SEC. 203. Members of the Committee shall receive no compensation from the United States by reason of their services under this order but shall be entitled to receive travel and expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 5701–5708) for persons in the Government service employed intermittently.

CONTINUITY

SEC. 204. Persons who on the date of this order are members of the Citizens' Advisory Committee on Recreation and Natural Beauty established by Executive Order Numbered 11278 of May 4, 1966, as amended, shall, until the expirations of

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their respective terms and without further action by the President, be members of the Committee established by the provisions of this part in lieu of an equal number of the members provided for in section 201 of this order.

Part III. GENERAL PROVISIONS

CONSTRUCTION

SEC. 301. Nothing in this order shall be construed as subjecting any department, establishment, or other instrumentality of the executive branch of the Federal Government or the head thereof, or any function vested by law in or assigned pursuant to law to any such agency or head, to the authority of any other such agency or head or as abrogating, modifying, or restricting any such function in any manner.

PRIOR BODIES AND ORDERS

SEC. 302. The President's Council on Recreation and Natural Beauty and the Citizens' Advisory Committee on Recreation and Natural Beauty are hereby terminated and the following are revoked:

(1) Executive Order Numbered 11278 of May 4, 1966;
(2) Executive Order Numbered 11359A of June 29, 1967; and
(3) Executive Order Numbered 11402 of March 29, 1968.

RICHARD NIXON.

THE WHITE HOUSE,
May 29, 1969.

Mr. REUSS. You have prepared a written statement. Under the rule that statement will now be received into evidence. Would you now proceed by reading, summarizing, or whatever you care to do to make your oral presentation.

As I understand it, Dr. DuBridge, you appear here this morning for yourself and for the Office of Science and Technology, and also for the Bureau of the Budget with whom you have discussed the bill; is that correct?

STATEMENT OF DR. LEE A. DuBRIDGE, DIRECTOR, OFFICE OF SCIENCE AND TECHNOLOGY; ACCOMPANIED BY DR. JOHN L. BUCKLEY, TECHNICAL ASSISTANT; AND FRANK PAGNOTTA, EXECUTIVE OFFICER

Dr. DUBRIDGE. Yes, that is correct. This is my own statement but the Bureau has raised no objections to it.

Mr. Chairman, members of the subcommittee, I appreciate the opportunity to express my views on H.R. 11952.

H.R. 11952 would transfer to the Environmental Quality Council, established by Executive Order 11472, the executive branch functions pertaining to evaluating efforts upon the environment which may result from the activities of the Federal Government under a large number of statutes applying to much of the Federal Government, and transfers to the Council the Environmental Science Services Administration. The bill also sets forth a declaration of national environmental policy and requires an annual conservation and environmental report.

I want to assure you that the President shares your concern over the need for improved environmental management. This was one of the major problem areas that he identified for early study by his staff to determine appropriate action. His concern is clearly reflected in his action to establish a Cabinet-level Environmental Quality Council and a Citizens' Advisory Committee on Environmental Quality, and

to provide for additional staff at the Executive Office level to address environmental problems. I will come back to a discussion of the purpose and significance of these actions by the President.

In my judgment there is a large area of agreement as to the desired results. There is some lack of agreement as to the specific actions that should be taken at this time, particularly with respect to possible changes in Federal organization and perhaps some as to the appropriate location for operating responsibilities involving environmental activities.

The problems that face the Government, the problems of organization of the Government for the purpose are the difficult ones.

Specifically the large area of agreement includes:

an appreciation of the complexity of the whole problem of improved environmental management;

recognition of the important role that will have to be played by State and local governments in solving environmental problems;

the need to take into account environmental considerations in Federal programs and actions;

recognition that there are fundamental conflicts between the goals of protecting and enhancing our environment and economic and other goals and objectives;

the need for additional understanding of the fundamental processes in our natural environment so that we can understand the effects of proposed actions and better determine corrective actions;

the need at the highest levels of Government for appraising Federal programs and activities and for improving coordination among agencies to improve efficiency and effectiveness.

The relatively large number of agencies that are involved in dealing with environmental and resource problems and our impatience for results from both research and action programs suggests to many of us that additional changes in organization may be required.

While fundamental changes in Federal organization may be desirable at some point, it is far from obvious at this point in time what those changes should be. Instead, the desirable course of action is first to learn more about the problems, evaluate organizational arrangements, and determine what further steps are needed to prevent further deterioration of the environment prior to making firm decisions on major organizational changes.

This basic principle of management was recognized in the studies and discussions that led to the President's decision. I want to emphasize that the actions taken by the President to address the problems of environmental quality were designed to preserve flexibility for further changes if they prove necessary and desirable. Major changes in Federal organization to deal with environmental problems should be considered in the context of Federal organization as a whole. In this connection, the President has established the Advisory Council on Executive Organization.

As I indicated earlier, there are three principal aspects of the President's action. First, Executive Order 11472, signed on May 29, 1969, established the Cabinet-level Environmental Quality Council.

The Council is chaired by the President and its members are the Vice President and the Secretaries of Agriculture, Commerce, Health,

Education, and Welfare, Housing and Urban Development, Interior, and Transportation. I serve as executive secretary. The Chairman of the Council of Economic Advisers, the President's Urban Affairs Adviser, and the Director of the Bureau of the Budget are observers. Thus, the members of the Environmental Quality Council include those Cabinet officers with the most direct responsibility for environmental quality and observers who are able to provide insight and advice with respect to economic, budgetary, and organizational considerations, and on closely related urban problems. The Executive order establishing the Council also provided for additional memberships, should they be necessary, and the presence at Council meetings of the heads of other departments and agencies when matters concerning their affairs are under consideration by the Council.

The first meeting of the Council was held Friday, June 20. A sampling of the problems discussed at that meeting demonstrates the involvement of appropriate departments and agencies in studies leading to the solution of these problems.

For example, a committee on the handling, transportation, and disposal of toxic materials consists of the Secretaries of Transportation (chairman); Health, Education, and Welfare; Interior; and Agriculture, and in addition, will include representatives from the Departments of State and Defense and the Atomic Energy Commission. A standing committee on outdoor recreation was also agreed upon. This latter committee will be sub-Cabinet in level and will include representatives of the Departments of Interior and Agriculture, Corps of Engineers, and several other agencies. There were many other items that came up on the agenda at this first meeting.

The point is that the members of the Council and those additional individuals serving with the Council will be people who have the responsibility for action and whose conclusions might therefore be expected to lead to prompt and effective resolution of problems.

Executive Order 11472 also established the Citizens' Advisory Committee on Environmental Quality. This Committee will be under the chairmanship of Laurance Rockefeller and will provide an important source of information and advice from the nongovernmental community and provide liaison with the many voluntary organizations around the country that have an interest and stake in the improved management of the environment. This Committee was enlarged from the old committee and new members are now being sought for this Committee.

The third aspect of the administration's plan calls for the expansion of the staff of the Office of Science and Technology to include additional experts who would be immediately available to the Council and to the President. Assuming congressional approval of the President's fiscal year 1970 budget request for the Office of Science and Technology, our current plans are to have six professional and an equal number of supporting staff assigned full time to the environmental quality activities. This staff would be headed by an Assistant Director of the Office of Science and Technology for Environmental Quality—a man of distinction we hope to find in this field.

In addition, eight other members of the OST professional staff who currently have functions that are closely related to current environmental matters will assist in the work of the Council. This staff can

provide the objectivity that is needed in helping the Council and the President identify the actions that are needed to attack environmental problems.

The Office of Science and Technology has had a long record of providing independent advice and assistance to the President and has had long experience in working with the members of the scientific, industrial, and academic communities, and in attracting outstanding scientists, engineers, and social scientists to work on the staff. Furthermore, because of its location in an existing structure at the Executive Office level, the OST draws with relative ease on the expertness present in Federal agencies.

Since a large number of problems which arise in the environmental area have to do with science and technology and their impact on and potential benefit or harm to our society, the President decided to use this existing office as the mechanism for supporting his interest in the environmental quality field. Any necessary extension of my office to handle this work can be done within the existing structure without the necessity for new legislation.

There is an additional advantage in using the Office of Science and Technology in this way. In addition to the President's Science Advisory Committee, the President's Science Adviser is also chairman of the Federal Council for Science and Technology. This Council includes the top scientist or engineer in each department and independent agency of the Government. I have already requested this Council to increase its activity in the field of environmental affairs and to reactivate its environmental quality committee.

The Federal Council also has committees on water resources, urban problems, atmospheric sciences, and other areas related to the environment. Additional committees can be created as needed. Thus, through the Federal Council and its committees a large number of top experts now in the Government can be brought together to consider interagency problems and to coordinate their efforts in this field.

In summary, the President's action reflected his best judgment as to organizational arrangements he needs to discharge his Government-wide responsibilities for environmental quality. He deemed this action to be appropriate at this point in time. There are three key aspects of the President's action that should be underscored.

First, the action is designed to assist the President in exercising leadership in the development of policies and programs to improve the quality of the environment. It will better equip the administration to improve the efficiency and effectiveness of existing programs, identify new program needs, and promote the improved coordination of agency activities.

The President's action carefully avoids any attempt to take on operating functions for the Council or the OST staff. Operating functions must remain with the departments and agencies where there are resources for carrying them out. The assumption of such functions by the Council or the Office of Science and Technology would quickly consume the staff resources that are available and preclude carrying out the policy, oversight, and coordination functions of the Executive Office of the President.

Second, we have not identified any major new activities that should be assigned by the Congress to the Federal agencies at this time. As the need for additional programs and activities becomes clear, appropriate action will be taken.

There are many Federal agencies charged by law and by executive action with the responsibilities in many areas of the environment. The problem is to get those actions more effective and better coordinated among the various agencies before a new organizational sturcture is undertaken.

Third, the action is designed to preserve flexibility for the President in the organization and management of the staff resources that are available to him in the Executive Office. As you are well aware, an executive must have reasonable flexibility to decide upon the organization and utilization of the staff resources that are available to him if he is to achieve effectiveness. This principle is certainly true with respect to the organization and staffing of the Executive Office of the President.

There are several points that I would like to make with respect to the specific provisions of H.R. 11952. Section 1(a) would transfer to the Environmental Quality Council from departments and agencies named in the bill "the executive branch functions pertaining to evaluating effects upon the environment." Section 1(c), on the other hand, states that this "* * * transfer of function shall not diminish the duty and authority of the respective Secretaries and agencies listed to evaluate the environmental effects which may result from their respective activities * * *." I think there is a possibility of misunderstanding or conflict in the wording here that activities are to be taken from the Secretaries but also leave the Secretaries with the responsibility.

Section 1(b) would transfer the Environmental Science Services Administration from the Department of Commerce to the Environmental Quality Council. I believe it would be inappropriate to transfer to the Council or to the Executive Office of the President any such operating functions. It is a very large and very effective laboratory. In any event, the organizational changes provided for in section 1 would appear premature in view of the recent establishment by the President of the arrangements that he feels are necessary to deal with environmental quality problems, and also because of his establishment, as previously mentioned, of the Advisory Council on Executive Organization with a charter to review organizational requirements of the executive branch.

I would like to add that the Council, chaired by the President, is a Cabinet-level council to meet and discuss policy problems, to have presented to them the long range and short range impacts on the environment that are taking place and to develop policies and proposals for action which can be taken by the Government; but action can't be taken by a council. It must be taken by the responsible Secretary, department head, or agency head having the responsibilities in this field with the overview and coordination of the Council and with directives of the President to increase or alter or coordinate activities in such ways as he, as chairman of the Council, shall direct. But the operating problems requiring large staffs and large budgets can't very well be handled by a Cabinet committee.

Section 2 of H.R. 11952 would declare a national environmental policy. As you know, existing statutes, regulations, and administrative practice already provide a large body of policy on protection of the environment. I believe, however, that a further general statutory policy declaration in this area could be helpful to the President and the Environmental Quality Council. We would prefer to reserve judgment on such a statement until the Council has had an opportunity to consider it, and it was asked to do so at its first meeting.

Finally, section 3 of the bill would provide for an annual conservation and environmental report to be prepared by the Council and transmitted to the President, the Congress, and the Nation. We recognize that a periodic report on the environment would be desirable. However, the provision of section 3 of the bill does not appear necessary since Executive Order 11472 already contemplates that the President will transmit to the Congress periodic reports on the quality of the environment.

Mr. Chairman, since that concludes my statement, I would be pleased to answer any questions.

Mr. REUSS. Thank you very much, Dr. DuBridge, for your excellent statement. I think you are off to a flying start on the Environmental Quality Council, and we wish you well.

I would like to direct some questions to your specific comments on behalf of the executive branch on our bill, and I know Mr. Vander Jagt, Mr. Gude, and Mr. McCloskey will have some questions, too.

Let's take up the three main sections of the bill and your comments on them. The first section transfers to you—the Environmental Quality Council—certain environmental functions of a number of existing Federal agencies, while preserving the exercise of those functions in those agencies.

Section 1 also transfers to you the Environmental Science Services Administration, which, as you say, is the old Weather Bureau and Coast and Geodetic Survey. I get your message on that. You say, in effect, that you would not favor the transfer of an agency which has thousands of employees to your rather high level and numerically small Council.

You persuade me. I think you are right, and therefore, at least as far as I am concerned—and other cosponsors will speak for themselves, though I think they will agree with me—I am prepared to accept your suggestion there and excise from the bill the provision to transfer the Environmental Science Services Administration from where it now is to you. We will bear in mind that anytime you and Mr. Rockefeller's advisory council think something ought to be done with it, you are perfectly able to come to us and suggest it and we would then review that request at that time. So that would take care of that one point.

ESSA is in the Department of Commerce, and the Secretary of Commerce is a member of the Council. As new ideas and needs for research investigations and so on come to the Council's attention, it is possible for the Council and President to direct the Secretary of Commerce to initiate within ESSA such actions as are deemed appropriate. The actual operation—hiring people, buying equipment, providing budgetary support—must be in the hands of the Secretary of Commerce, but he will operate within policies established by the Council and the President.

Now I'll turn to the other question you raised about section 1, which is the fact that in the bill we have both transferred environmental supervisory functions to the Environmental Quality Council and left them where they are in the Corps of Engineers, Federal Power Commission, Department of Transportation, et cetera.

You seem to be bothered a bit by the metaphysical notion of taking something from where it is and putting it someplace else, yet having it remain where it is.

We didn't mean, in our language, to present any such problem. Maybe I can make clear what we had in mind by reference to a recent celebrated case, which came before this subcommittee. Namely, the proposal for a landfill at Hunting Creek down here on the Potomac a few miles, where at one time at least the Department of the Interior and the Corps of Engineers in exercises of their environmental jurisdiction said: "Yes, let this land developer fill this section of the Potomac."

At that time there was no Environmental Quality Council in existence. This subcommittee and its predecessor stepped in and to the great credit of the Department of the Interior, Secretary Hickel reversed the earlier decision and said: "No, they shall not pass. This fill shall not go through."

What we have in mind in this bill is the following: If a future Hunting Creek case should arise where the Corps of Engineers and the Department of the Interior should, God forbid, tentatively say: "Yes, let the fill proceed," we would want the Environmental Quality Council—your Council—notified of this and we would want the Council to have the right to express its views to the Department of the Interior and the Corps of Engineers, if it wanted to, on the environmental aspects of that particular permit.

We don't want, or envisage, the Environmental Quality Council, with its limited staff resources. sitting in judgment on everything and duplicating the work of the various regular agencies; but very frankly we would like to have you as a supreme court is, informed of everything, so that where you want to act, you may.

Now, based on off-the-record discussions I had with you in the recent months, I am under the impression that far from not wanting that power and jurisdiction, you would want to be in a position where your Council was currently informed and where if, in the judgment of the Council, that was the right thing to do, you could write a letter, make a phone call, or do whatever you wished, to the constituent agency, giving the overall views.

Indeed, I thought from your testimony on the purpose of the Council that this oversight function was included because you say, on page 10 of your testimony, that President Nixon set you up to carry out the policy oversight and coordination functions of the Executive Office of the President.

I will now ask my question, which is: As so defined—and it may be necessary for us to smooth out the language of this bill a bit—but as so defined, you on the Environment Quality Council would not mind being kept currently informed of what the agencies are doing in the environmental field and having the power, if—and only if—you choose to exercise it, to make a suggestion or remonstrance to them.

Is that not so?

Dr. DuBridge. I got a quite different feeling about the purpose of the bill in reading it than from what you just said.

The bill says, "There are hereby transferred to the Environmental Quality Council * * * the executive branch functions" that are then listed.

It seemed that meant all these agencies in the Interior and Corps of Engineers, and so on, would somehow be removed from their existing departments and put under the direct cognizance and direction of the Council.

As I said in the case of ESSA, it is not possible for a Cabinet-level committee to have operating budgetary personnel, operating responsibilities, for actions which must be taken by a particular department.

Now it is clearly the intent of the Executive order signed by the President that all of these activities that are now going on within these various departments that do relate to the environment shall be given the overview of the Council and, thereby, the President. This means the following things will happen: As there come to the attention of the staff in my office problems of the sort which you had mentioned, our first function would be to immediately consult with the agency concerned, point out to them the environmental problems involved and ask them if they can't get together and work this thing out.

This has already happened in a couple of cases that have come to our attention.

Mr. Reuss. Could I interrupt at this point to say: You say, cases that have come to your attention. We would want to set up some regular procedure whereby everything in the environmental field *did* come to your attention in the sense that it was sent to you in writing.

If your people don't have time to make a thoroughgoing study of every piece of paper that comes to you, that wouldn't be the first time in Washington history; but at least we want to be sure that the Corps of Engineers, for example, doesn't validate a fill which has a disastrous ecological effect and not let you know, and then come around years later and say, "Oh, had we but known you were interested, we would have let you know."

We want to impose the duty on them. That is the sole purpose of section 1.

It seems to me, in the light of what you say, that there isn't much difference between what's on your mind and what was on the minds of the sponsors of this bill on what ought to be accomplished. At least so far.

Dr. DuBridge. The way you put it, I think you are right. The Council must be informed by the departments or agencies or by the staff of the Council, who would be scurrying around the agencies to find out what is going on. We have gotten an enormous number of letters already from various interested people, parties, organizations, individuals, around the country. They say: "Look, do you know what is happening in my district that is bad for the environment?"

This comes to my attention. We can often investigate the problem, bring it informally to the attention of the agency concerned; or if it is a problem of major policy, it could go to the Council for decision on what should happen. We found a number of cases where, say, the Department of Transportation and the Department of the Interior were in conflict in regard to certain plans that would affect the en-

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vironment. We were able to bring them together and get a change initiated.

This can be done on an informal basis under the authority of the President, conferred to the staff. If the bill said that the activities listed therein, and the agencies carrying out these activities, shall keep the Council fully and currently informed about activities, actions, and so on, which they are taking, which have environmental implications—if I understand that this is the sense of what you mean, I think this would be a very good provision.

Mr. REUSS. That is right; and I think, based on our colloquy just now, we can rework the legislative draftsmanship so it does not convey to anyone the impression which it perhaps understandably conveyed to you—that we were trying to take all of these operating functions out of a score of agencies and put them into your little office, which would, of course, have bogged you down.

Dr. DUBRIDGE. It puts it in the President's Office. It makes him the operating head of all these activities, as I interpreted it.

Mr. REUSS. I think that can easily be done.

Mr. MOSS. Would the gentleman yield?

Mr. REUSS. Yes.

Mr. MOSS. Isn't that done on page 4, beginning at line 9? "(c) The transfer of functions affected by subsection (a) above shall not diminish the duty and authority of the respective secretaries and agencies listed above to evaluate environmental effects which may result from any of their respective activities under the statutes listed in subsection (a) above."

Mr. REUSS. We thought that we were doing, Mr. Moss, but Dr. DuBridge points out, I think, that while the language you just read makes clear that the Corps of Engineers and all the other agencies keep this duty, this environmental duty, nevertheless it also seemed to Dr. DuBridge that his agency, rather the Environmental Quality Council, was being visited with coequal jurisdiction—and we certainly didn't intend that in every case of a fill permit, or a dam permit, or a harbor line or a federally aided highway, the Environmental Quality Council had to make an original and independent judgment. To do that would be duplicative, and it would also mean the Executive Office of the President couldn't do anything else, because it would be full time on this.

Dr. DUBRIDGE. We would have a tremendous amount of people going out on the field, determining the situation. These are tremendous operating functions.

It would seem to us—and I am afraid others might misinterpret the bill also—in section 1(a), you transfer to the Council all these activities and functions and make the Council directly responsible; whereas, as you pointed out, Mr. Moss, in section 1(c), you hand these functions back to the Secretaries, although the way in which this is worded leaves the Secretaries responsibility to evaluate environmental effects—but it doesn't say they also have the responsibility for the actions required under the statutes previously listed.

So it was my interpretation that you expected to transfer these functions out, but still leave the Secretaries and agency heads the general kind of responsibility for seeing if any other actions they take might impinge on the environment.

Therefore, I think this is a matter of clarification. I think you stated your intention very clearly.

Mr. REUSS. The purpose of section 1(a) is: First, that the Environmental Quality Council be currently and immediately informed of all environmental actions by the listed agencies.

Second, that the Environmental Quality Council be empowered, where it wishes, to make a remonstrance or recommendation to whoever is doing the act or function which will affect the environment. Specifically, for example, if this bill, H.R. 11952, were enacted and if another Hunting Creek case came along, this subcommittee would invite you to come up and we would say, look, we think this fill is very wrong. The permit should not have been granted. Were you given notice about it? What did you do? Do you agree with it? And so on.

These, I think, would be perfectly proper questions for us to ask and we want to put you in a position, legally, where your powers are consistent with your responsibilities.

I gather from what you say that, if we make that clear, section 1 would be satisfactory to you—assuming also that we deleted the provision with regard to the Environmental Science Services Administration?

Dr. DUBRIDGE. Yes; we would be glad to work over with you the wording on this. You keep referring to my powers. I am only acting for the President. It is the President's Council.

This Council works with and advises the President. It is inherent within the powers of the President to direct agencies to alter their activities in such a way as are in the national interests.

The purpose of the Council, of course, is to bring to the President's attention precisely these matters of policy and actions which are influencing the environment so he may use these powers to direct the agency heads or to direct the staff to take such actions as seem to be necessary. But you are very correct in saying that the problem of information exchange is a very critical one. It is easy for these actions to be taken quietly without anybody knowing about them until maybe it is too late.

This must work both ways. The agencies must be instructed to inform the staff of the Council on the actions they are contemplating involving environment. The staff of the Council will have a very large job in keeping informed, on its own initiative, of the things going on in the various agencies; and keeping informed, via contact with the public, of the actions of the Federal Government, which are detrimental or possibly dangerous to the environmental situation.

Mr. REUSS. May I now turn to section 2, in which we do several things.

We first set up a general environmental policy for all agencies of the Federal Government.

Second, in section 2(b) we give statutory recognition to the individual bill of rights, if you want to call it that, in achieving a clean environment.

Third, we direct that all agencies of the Federal Government keep these environmental considerations in mind, in whatever they do. Of that you say in your statement that while various existing scattered statutes have bits of environmental control in them, there needs to be a general pulling together of this and then you say, and I quote: "We

would prefer to reserve judgment on such a statement until the Environment Quality Council has had an opportunity to consider it, and it was asked to do so at its first meeting."

Well, that is fine and understandable. We did our best effort to put together an intelligible and intelligent statement here, plagiarizing shamelessly from other statements where we felt they had done a good job.

We are anxious, frankly, to report out a bill and to do so with the knowledge that we are working as a team with you.

My question, therefore, is: Can't the Environmental Quality Council consider this language in section 2 at its July meeting?

I would hope this could have been distributed to everyone beforehand. And either say it is good and you approve it, or make suggestions for improving it which we would certainly be very partial to.

I am rather anxious we be in a position to move.

Dr. DuBridge. All right.

You see, there are several bills on environmental problems now before the House and Senate, and we have quite a lot of them we have been going over with our staff and advising members of the Council and the President about. Therefore, we have had a rather heavy burden in looking at the various policy statements in the various bills.

Most recently, we have gone over in considerable detail with Senator Jackson the bill that he has just reported out this week.

Mr. Reuss. Section 2 of our bill is lifted from Senator Jackson's bill.

Dr. DuBridge. Yes, and if you would care to look at the current form of the Jackson bill as amended and reported out the other day, we have gone over that policy statement rather carefully with the Bureau of the Budget, and with the representative members of the Council, and we believe that constitutes a fairly good policy statement. I think it doesn't differ much from this, but there are a few points you might wish to look at.

Now that we know your desires on this, we will do a detailed comparison of your policy statement with that one, to see if yours is better, or if there are some changes that can make them consistent. We agree with the desirability of having a good strong policy statement.

Mr. Reuss. Would you submit for the record, as soon as possible—perhaps you can do it right now—the exact language of the declaration of national environmental policy, as stated in Senator Jackson's bill, which has, in fact, been approved by the Environmental Quality Council and the Bureau of the Budget?

Dr. DuBridge. It hasn't been formally approved by the Council, but it has been approved after consultation with Council members and Bureau of the Budget.

I think it constitutes a pretty good approximation.

The Council, of course, as it formally discusses this, may find additional amendments it might like to make.

Mr. Reuss. When will it do that?

Dr. DuBridge. I fear, because of the President's trip and other things, the next Council meeting won't be until about the 20th of August.

Mr. Reuss. Well, because of that and because of the desire of members to produce something as soon as possible, I would suggest the following:

You will be able to give us, this morning perhaps, the Jackson Environment Quality Council bill and Bureau of the Budget informally approved statement. It may well be that that language is so close to what we have here as to be satisfactory—in which case my disposition, subject again to the feelings of my cosponsors, would be to substitute it for what we have in ours, because it would save you from the further editorial job of looking at the rather minor differences between what we have in that language. So I think if you will be good enough to file that, we can fix up section 2 quite readily.

(The text of the Jackson bill, S. 1075, as reported by the Senate Interior and Insular Affairs Committee, follows. The bill was passed by the Senate on July 10 as reported. A communication from the Bureau of the Budget regarding H.R. 11952 follows the Jackson bill.)

Calendar No. 287

91ST CONGRESS
1ST SESSION

S. 1075

[Report No. 91–296]

IN THE SENATE OF THE UNITED STATES

FEBRUARY 18, 1969

Mr. JACKSON (for himself, Mr. ALLOTT, Mr. ANDERSON, Mr. BELLMON, Mr. BIBLE, Mr. BURDICK, Mr. CHURCH, Mr. FANNIN, Mr. GRAVEL, Mr. HANSEN, Mr. HATFIELD, Mr. JORDAN of Idaho, Mr. MCGOVERN, Mr. METCALF, Mr. MOSS, Mr. NELSON, and Mr. STEVENS) introduced the following bill; which was read twice and referred to the Committee on Interior and Insular Affairs

JULY 9, 1969

Reported by Mr. JACKSON, with amendments

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To authorize the Secretary of the Interior to conduct investigations, studies, surveys, and research relating to the Nation's ecological systems, natural resources, and environmental quality, and to establish a Council on Environmental Quality.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, ~~That it is the purpose of this Act to promote and foster means and measures which will prevent or effectively reduce any adverse effects on the quality of the environment in the management and development of the Nation's natural resources, to produce an understanding of the Nation's natural resources and the environmental forces affecting~

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them and responsible for their development and future well-being, and to create and maintain conditions under which man and nature can exist in productive harmony and fulfill the social, economic, and other requirements of present and future generations of Americans, through a comprehensive and continuing program of study, review, and research.

TITLE I

SEC. 101. The Secretary of the Interior (hereinafter referred to as the "Secretary"), in order to carry out the purposes of this title, is authorized—

(a) to conduct investigations, studies, surveys, research, and analyses relating to ecological systems and environmental quality;

(b) to document and define changes in the natural environment, including the plant and animal systems, and to accumulate necessary data and other information for a continuing analysis of these changes or trends and an interpretation of their underlying causes;

(c) to develop and maintain an inventory of existing and future natural resource development projects, engineering works, and other major projects and programs contemplated or planned by public or private agencies or organizations which make significant modifications in the natural environment;

(d) to establish a system of collecting and receiv-

~~ing information and data on ecological research and evaluations which are in progress or are planned by other public or private agencies or organizations, or individuals;~~

~~(c) to evaluate and disseminate information of an ecological nature to public and private agencies or organizations, or individuals in the form of reports, publications, atlases, and maps;~~

~~(f) to make available to States, counties, municipalities, institutions, and individuals, advice and information useful in restoring, maintaining, and enhancing the quality of the environment.~~

~~(g) to initiate and utilize ecological information in the planning and development of resource-oriented projects;~~

~~(h) to encourage other public or private agencies planning development projects to consult with the Secretary on the impact of the proposed projects on the natural environment;~~

~~(i) to conduct research and studies within natural areas under Federal ownership which are under the jurisdiction of the Secretary and which are under the jurisdiction of other Federal agencies; and~~

~~(j) to assist the Council on Environmental Quality established under title II of this Act.~~

~~SEC. 102. In carrying out the provisions of this title, the Secretary is authorized to make grants, including training grants, and enter into contracts or cooperative agreements with public or private agencies or organizations, or individuals, and to accept and use donations of funds, property, personal services, or facilities to carry out the purposes of this Act.~~

~~SEC. 103. The Secretary shall consult with and provide technical assistance to other Federal agencies, and he is authorized to obtain from such departments and agencies such information, data, reports, advice, and assistance as he deems necessary or appropriate and which can reasonably be furnished by such departments and agencies in carrying out the purposes of this Act. Any Federal agency furnishing advice or assistance hereunder may expend its own funds for such purposes, with or without reimbursement by the Secretary.~~

~~SEC. 104. The Secretary is authorized to participate in environmental research in surrounding oceans and in other countries in cooperation with appropriate departments or agencies of such countries or with coordinating international organizations if he determines that such activities will contribute to the objectives and purposes of this Act.~~

~~SEC. 105. Nothing in this Act is intended to give, or shall be construed as giving, the Secretary any authority over any of the authorized programs of any other depart-~~

~~ment or agency of the Government, or as repealing, modifying, restricting, or amending existing authorities or responsibilities that any department or agency may have with respect to the natural environment. The Secretary shall consult with the heads of such departments and agencies for the purpose of identifying and eliminating any unnecessary duplication of effort.~~

~~SEC. 106. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this title.~~

~~TITLE II~~

~~SEC. 201. There is created in the Executive Office of the President a Council on Environmental Quality (hereinafter referred to as the "Council"). The Council shall be composed of three members who shall be appointed by the President to serve at his pleasure, by and with the advice and consent of the Senate. Each member shall, as a result of training, experience, or attainments, be professionally qualified to analyze and interpret environmental trends of all kinds and descriptions and shall be conscious of and responsive to the scientific, economic, social, esthetic, and cultural needs and interest of this Nation. The President shall designate the Chairman and Vice Chairman of the Council from such members.~~

SEC. 202. (a) The primary function of the Council shall be to study and analyze environmental trends and the factors that effect these trends, relating each area of study and analysis to the conservation, social, economic, and health goals of this Nation. In carrying out this function, the Council shall—

(1) report at least once each year to the President on the state and condition of the environment;

(2) provide advice and assistance to the President on the formulation of national policies to foster and promote the improvement of environmental quality;

(3) obtain information using existing sources, to the greatest extent practicable, concerning the quality of the environment and make such information available to the public.

(b) The Council shall periodically review and appraise new and existing programs and activities carried out directly by Federal agencies or through financial assistance and make recommendations thereon to the President.

(c) It shall be the duty and function of the Council and the Secretary of the Interior to assist and advise the President in the preparation of the biennial environment quality report required under section 203.

SEC. 203. The President shall transmit to the Congress

~~annually beginning June 30, 1970, an environmental quality report which shall set forth (a) the status and condition of the major natural, manmade, or altered environmental classes of the Nation, including, but not limited to, the air, the aquatic including marine, estuarine, and fresh water, and the terrestrial environment, including, but not limited to, the forest dryland, wetland, range, urban suburban and rural environment; and (b) current and foreseeable trends in quality management, and utilization of such environments and the effects of those trends on the social, economic, and other requirements of the Nation.~~

~~SEC. 204. The Council may employ such officers and employees as may be necessary to carry out its functions under this Act. In addition, the Council may employ and fix the compensation of such experts and consultants as may be necessary for the carrying out of its functions under this Act, in accordance with section 3109 of title 5, United States Code (but without regard to the last sentence thereof).~~

~~SEC. 205. There are hereby authorized to be appropriated such sums as are necessary to carry out the purposes of this title.~~

SHORT TITLE

SEC. 1. That this Act may be cited as the "National Environmental Policy Act of 1969".

PURPOSE

SEC. 2. The purposes of this Act are: To declare a national policy which will encourage productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; to enrich the understanding of the ecological systems and natural resources important to the Nation; and to establish a Board of Environmental Quality Advisers.

TITLE I

DECLARATION OF NATIONAL ENVIROMENTAL POLICY

SEC. 101. (a) The Congress, recognizing that man depends on his biological and physical surroundings for food, shelter, and other needs, and for cultural enrichment as well; and recognizing further the profound influences of population growth, high-density urbanization, industrial expansion, resource exploitation, and new and expanding technological advances on our physical and biological surroundings and on the quality of life available to the American people; hereby declares that it is the continuing policy and responsibility of the Federal Government to use all practicable means, consistent with other essential considerations of national policy, to improve and coordinate Federal plans, functions, programs, and resources to the end that the Nation may—

(1) fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;

(2) assure for all Americans safe, healthful, productive, and esthetically and culturally pleasing surroundings;

(3) attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;

(4) preserve important historic, cultural, and natural aspects of our national heritage, and maintain, wherever possible, an environment which supports diversity and variety of individual choice;

(5) achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and

(6) enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

(b) The Congress recognizes that each person has a fundamental and inalienable right to a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment.

SEC. 102. The Congress authorizes and directs that the

policies, regulations, and public laws of the United States, to the fullest extent possible, be interpreted and administered in accordance with the policies set forth in this Act, and that all agencies of the Federal Government—

(a) utilize to the fullest extent possible a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decision-making which may have an impact on man's environment;

(b) identify and develop methods and procedures which will insure that presently unquantified environmental amenities and values may be given appropriate consideration in decisionmaking along with economic and technical considerations;

(c) include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, a finding by the responsible official that—

(i) the environmental impact of the proposed action has been studied and considered;

(ii) any adverse environmental effects which cannot be avoided by following reasonable alternatives are justified by other stated considerations of national policy;

(iii) local short-term uses of man's environment are consistent with maintaining and enhancing long-term productivity; and that

(iv) any irreversible and irretrievable commitments of resources are warranted.

(d) study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of land, water, or air;

(e) recognize the worldwide and long-range character of environmental problems and lend appropriate support to initiatives, resolutions, and programs designed to maximize international cooperation in anticipating and preventing a decline in the quality of mankind's world environment; and

(f) review present statutory authority, administrative regulations, and current policies and procedures for conformity to the purposes and provisions of this Act and propose to the President and to the Congress such measures as may be necessary to make their authority consistent with this Act.

SEC. 103. The policies and goals set forth in this Act are supplementary to, but shall not be considered to repeal the existing mandates and authorizations of Federal agencies.

TITLE II

SEC. 201. To carry out the purposes of this Act, all agencies of the Federal Government in conjunction with their existing programs and authorities, are hereby authorized—

(a) to conduct investigations, studies, surveys, research, and analyses relating to ecological systems and environmental quality;

(b) to document and define changes in the natural environment, including the plant and animal systems, and to accumulate necessary data and other information for a continuing analysis of these changes or trends and an interpretation of their underlying causes;

(c) to evaluate and disseminate information of an ecological nature to public and private agencies or organizations, or individuals in the form of reports, publications, atlases, and maps;

(d) to make available to States, counties, municipalities, institutions, and individuals, advice and information useful in restoring, maintaining, and enhancing the quality of the environment;

(e) to initiate and utilize ecological information in the planning and development of resource-oriented projects;

(f) to conduct research and studies within natural

areas under Federal ownership which are under the jurisdiction of the Federal agencies; and

(g) to assist the Board of Environmental Quality Advisers established under title III of this Act and any council or committee established by the President to deal with environmental problems.

SEC. 202. (a) In carrying out the provisions of this title, the President is authorized to designate an agency or agencies to—

(1) make grants, including training grants, and enter into contracts or cooperative agreements with public or private agencies or organizations, or individuals, and to accept and use donations of funds, property, personal services, or facilities to carry out the purposes of this Act;

(2) develop and maintain an inventory of existing and future natural resource development projects, engineering works, and other major projects and programs contemplated or planned by public or private agencies or organizations which make significant modifications in the natural environment;

(3) establish a system of collecting and receiving information and data on ecological research and

evaluations which are in progress or are planned by other public or private agencies or organizations, or individuals; and

(4) assist and advise State and local government, and private enterprise in bringing their activities into conformity with the purposes of this Act and other Acts designed to enhance the quality of the environment.

(b) There are hereby authorized to be appropriated $500,000 annually for fiscal years 1971 and 1972, and $1,000,000 for each fiscal year thereafter.

SEC. 203. In recognition of the additional duties which the President may assign to the Office of Science and Technology to support any council or committee established by the President to deal with environmental problems and in furtherance of the policies established by this Act, there is hereby established in the Office of Science and Technology an additional office with the title "Deputy Director of the Office of Science and Technology." The Deputy Director shall be appointed by the President by and with the advice and consent of the Senate, shall perform such duties as the Director of the Office of Science and Technology shall from time to time direct, and shall be compensated at the rate provided for level IV of the Executive Schedule Pay Rates (5 U.S.C. 5315).

TITLE III

SEC. 301. (a) There is created in the Executive Office of the President a Board of Environmental Quality Advisers (hereinafter referred to as the "Board"). The Board shall be composed of three members who shall be appointed by the President to serve at his pleasure, by and with the advice and consent of the Senate. Each member shall, as a result of training, experience, or attainments, be professionally qualified to analyze and interpret environmental trends of all kinds and descriptions and shall be conscious of and responsive to the scientific, economic, social, esthetic, and cultural needs and interest of this Nation. The President shall designate the Chairman and Vice Chairman of the Board from such members.

(b) Members of the Board shall serve full time and the Chairman of the Board shall be compensated at the rate provided for Level II of the Executive Schedule Pay Rates (5 U.S.C. 5313). The other members of the Board shall be compensated at the rate provided for Level IV of the Executive Schedule Pay Rates (5 U.S.C. 5315).

SEC. 302. (a) The primary function of the Board shall be to study and analyze environmental trends and the factors that effect these trends, relating each area of study and analysis to the conservation, social, economic, and

health goals of this Nation. In carrying out this function, the Board shall—

(1) report at least once each year to the President on the state and condition of the environment;

(2) provide advice, assistance, and staff support to the President on the formulation of national policies to foster and promote the improvement of environmental quality; and

(3) obtain information using existing sources, to the greatest extent practicable, concerning the quality of the environment and make such information available to the public.

(b) The Board shall periodically review and appraise Federal programs, projects, activities, and policies which affect the quality of the environment and make recommendations thereon to the President.

(c) It shall be the duty and function of the Board to assist and advise the President in the preparation of the annual environmental quality report required under section 303.

(d) The Board and the Office of Science and Technology shall carry out their duties under the provisions of this Act at the direction of the President and shall perform whatever additional duties he may from time to time direct.

SEC. 303. The President shall transmit to the Congress,

beginning June 30, 1970, an annual environmental quality report which shall set forth: (a) the status and condition of the major natural, manmade, or altered environmental classes of the Nation; and (b) current and foreseeable trends in quality, management, and utilization of such environments and the effects of those trends on the social, economic, and other requirements of the Nation.

SEC. 304. The Board may employ such officers and employees as may be necessary to carry out its functions under this Act. In addition, the Board may employ and fix the compensation of such experts and consultants as may be necessary for the carrying out of its functions under this Act, in accordance with section 3109 of title 5, United States Code (but without regard to the last sentence thereof).

SEC. 305. There are hereby authorized to be appropriated $1,000,000 annually to carry out the purposes of this title.

Amend the title so as to read: "A bill to establish a national policy for the environment; to authorize studies, surveys, and research relating to ecological systems, natural resources, and the quality of the human environment; and to establish a Board of Environmental Quality Advisers."

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D.C., July 7, 1969.

Hon. HENRY S. REUSS,
Chairman, Conservation and Natural Resources Subcommittee, Committee on Government Operations, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This is in reply to your request of July 1, 1969, for the Bureau of the Budget to testify on July 9, 1969, on H.R. 11952, a bill "To reorganize the executive branch of the Government by transferring functions of various agencies relating to evaluation of the effect of certain activities upon the environment to the Environmental Quality Council, and for other purposes."

It is my understanding that, as a result of the discussions between a member of the subcommittee staff and a representative of this Bureau, it has been agreed that it will not be necessary for the Bureau of the Budget to testify as requested. This agreement is based on the fact that Dr. Lee A. DuBridge, Director of the Office of Science and Technology, will appear before the subcommittee and testify on the bill to present the views of the Executive Office of the President, on behalf of the administration. We have, of course, worked with Dr. DuBridge and his staff in the development of these views.

Sincerely,

PHILLIP S. HUGHES,
Deputy Director.

Mr. REUSS. This leaves us then with section 3, which is the section in which we, in the bill, said in effect "Let the Environmental Quality Council transmit to the President and to the Congress once a year, by January 20, a report on the state of the environment—what is being done about it and what needs to be done."

In your statement you again say that this would be most desirable, but you questioned whether it would be necessary since the Executive order setting up the Environmental Quality Council, as you say "already contemplates that the President will transmit to the Congress periodic reports on the quality of the environment." I take it there you are referring to section 102(c) of the Executive order, which says, and I quote: "The Council shall assist the President in preparing periodic reports to the Congress on the subjects of this order."

Well, that is good as far as it goes. It really isn't quite what we had in mind, though. We didn't want just periodic reports. We wanted an annual report, because we have found in the case, for example, of the economic report of the President, that the intellectual drill required in reporting on the economic state of the Union, once a year, is a good one both for the executive branch and the Congress.

Without some sort of statutory mandate, the President would be under no obligation to either make an annual report or indeed make any reports at all. He could always say, well, I have some periodic reports coming out, but not yet. And the threats to our environment are such that I know members of this subcommittee feel it would be most useful to have an annual report.

Therefore, do I persuade you that this provision is a mild one, not intended to make life miserable for you, but it certainly would be useful?

Dr. DUBRIDGE. Certainly the report would be at least annual—maybe more frequently—but certainly there would be regular reports to the Congress.

If you would like to specify "annually," I have no objection. The whole intention is that there would be at least annual reports, with possibly intermediate reports on special issues as these arise where the Congress or the public should be informed.

It is my view that out of the Council will come a number of reports every year, but I think you are correct in saying one kind of summarizing. definitive annual report is very desirable.

I would certainly agree with that. We intended to do that.

Mr. REUSS. Does the date we tentatively selected, January 20 of each year, bother you? That date happens to be the date used for the submission of the annual economic report.

Whatever date it is, I know you will have to scramble as the deadline approaches, because that is the way things work.

Dr. DUBRIDGE. I have no opinion on what date is most desirable for such a report.

Mr. REUSS. This doesn't bother you any more than any other date?

Dr. DUBRIDGE. No. I think only the question of the Christmas holiday season coming just before that may make staff work more difficult than if it were, say March 1, or something like that. But I have no strong feeling about it.

Mr. REUSS. This has been a most rewarding colloquy, and establishes in my mind that there is a very close correspondence between your views and the views of this subcommittee.

I am very hopeful that——

Dr. DUBRIDGE. We are delighted to have this kind of congressional interest in the environmental quality problem, an interest which, as I said, the President expressed almost the first day I talked with him after arriving here, and which we have been working on ever since.

Mr. REUSS. Nor do I see anything inconsistent with what is sought to be accomplished by this bill, and whatever Congress may do by way of establishing a broader council of environmental advisers, I have a hunch, from previous conversations with you, that I think the administration would prefer to see how the Environmental Quality Council does for a few years before proceeding.

Congress may think otherwise. I certainly see a great need for your inter-Cabinet office. whatever may be done.

Mr. Vander Jagt?

Mr. VANDER JAGT. Thank you very much. I would like to thank Dr. DuBridge for his very interesting and helpful testimony and thank him for the spirit of cooperativeness. I think it has been very, very helpful to the subcommittee.

One question that occurred to me is on the Environmental Quality Council—the membership on it under the Executive order. With the tremendous impact that the Corps of Engineers has on the environment, why was it not made a regular member of the Council?

Dr. DUBRIDGE. There are two points I would like to make. In the first place the President expressed a desire to keep the core of the Council a small body so it could have intimate and careful discussions and would not be too large a forum. He likes to deal with small groups and it seemed to be better to have the primary people responsible. Furthermore, he wanted to keep it at the cabinet level so that each member of the Council is a secretary of a department.

It seemed inappropriate, however, to put the Secretary of Defense on the Council, in spite of the great activities of the Corps of Engineers, because the Secretary of Defense has quite a lot of other things to do; but the Corps of Engineers has already been involved in some of the committees to be set up and they will certainly be asked to be

represented at Council meetings when things affecting them arise. It would not be a Cabinet level committee any longer if the head of the Corps of Engineers were a full member of the Council. But the representatives of the corps can be called in at any meetings.

You are absolutely right, of course, that the work of the Corps of Engineers is tremendously important in either enhancing or sometimes degrading environmental problems. So many of the things that the Council will consider will certainly involve the activities of the Corps of Engineers. They are clearly under cognizance of the President and the Council can work to bring the Corps of Engineers into collaborative arrangement with the other agencies.

Mr. VANDER JAGT. I gathered in your colloquy with the chairman of the subcommittee that the Council does fully intend to make reports to the Congress. I also gathered from the colloquy that there certainly would be nothing inconsistent and it might even be helpful to have the nudge of a statutory requirement of at least an annual report.

Dr. DUBRIDGE. Yes; we have no objection to that.

Mr. VANDER JAGT. I think all of us on the subcommittee and many in Congress have been very impressed with the establishment of the Environmental Quality Council.

Would it not further strengthen this Council to have statutory backing for it?

Dr. DUBRIDGE. Of the sort provided for in this bill. This is a problem of Government and there are prerogatives that I don't think I am an expert on. I certainly see no objection to it, and the experts in the legislative branch of the Bureau of the Budget see no objection to it. So, as long as it reinforces and gives congressional attention to the President's decision in the Executive order, it certainly can do no harm—and as you say it might do a lot of good to bring Congress more into the picture so we can have your interest and the interest of the various committees involved.

So, to me this is a perfectly desirable thing and I hope in a number of the pieces of legislation they will recognize and support the Council activities. We will certainly need the support of the Appropriations Committees as we seek budgets for supporting the work of the Council.

Mr. VANDER JAGT. So, as to this legislation, as we have gone through it step by step, I think we agree: as long as it reinforces and gives congressional attention to the purpose and objectives of the Council, it actually would aid and be helpful in the work of that Council.

Dr. DUBRIDGE. Yes. As long as its operating responsibilities are not assigned to the Council but left in the agencies with the Council giving oversight and policy guidance.

Mr. VANDER JAGT. That, I think, we have agreed we can clear up. We thank you very much, Dr. DuBridge.

Dr. DUBRIDGE. Thank you.

Mr. VANDER JAGT. Thank you, Mr. Chairman.

Mr. REUSS. Mr. Moss.

Mr. MOSS. I will waive at this time.

Mr. REUSS. Mr. Gude.

Mr. GUDE. Thank you very much, Dr. DuBridge. I certainly concur with the chairman and Mr. Vander Jagt in their remarks. Do you have any sense of the extent to which the activities of the Council would create a burden on the various Cabinet members in the Council

who are going to be participating? This would involve another slice out of their time. Do you think this legislation would help in that area? Are there any steps which could be taken to make it possible for them to devote more attention to the affairs of this Council? Actually, this is sort of a "think tank" operation, isn't it?

Dr. DuBridge. Well, it has that element in it. It will be the task of the staff to do the thinking about what is happening in the environment, what are the possibilities of avoiding its degredation and improving our actions to enhance the quality of the environment; but then where actions, policy statements, and so on, are required, it is of course brought to the Council for discussion, consideration of the pros and cons, and what Government actions are feasible and how they should be taken. So it is both a contemplative body in the sense of considering the broad problems of the environment; and it is also an action body in trying to develop, under the President's direction, the actions to be taken by the agencies.

Now, these actions will often involve the agencies in making budget requests or alternations in their budget for the coming years or to change their staffing requirements, and so on, in order to adapt the operations under their cognizance to the policies and directives that come out of the Council meetings. So it will take a top level staff with wide experience in the environmental field to consider and reflect on the various environmental problems.

I am sure you realize what an enormously complex subject this is—the environment is everything outside our skins. Everything we deal with in the world is the environment. It is the other people and other things in the world.

We live off our environment. Human beings are evolved to live off the environment this planet happens to possess. To say we should do nothing to degrade the environment would be to say we can't continue to live. We must breathe air, use water, cut down trees to provide wood for what we need; we must mine copper and iron and gold and all the other minerals and the oil and gas that are needed for civilized living.

Living off the environment is a human characteristic, and to say that human beings shall not impinge on their environment is essentially to say they shall not live.

Therefore, the question is not how to avoid changing the environment. The question is how to avoid changing it as much as possible in a bad way and how to compensate for the bad changes by good changes to enhance the quality of the environment.

And so it comes to all the problems of recreation and natural beauty and beauty of the landscape, beauty of our cities on the one side as well as our dirty, gritty, problems of the pollution of the air and sewage dumping into streams and pollution of our lakes and oceans and the cluttering of our land with junk and solid wastes and all of these things.

Can we find ways to use our environment, but to use it in such a way as to maintain to the maximum possible extent its purity and its attractiveness and its healthfulness.

Therefore, I am only saying that a wide variety of interests and talents and experience will be required within the staff of the Council to consider all these various elements—to consider the competing needs for using the environment for the use of land.

We must have power stations to generate the power that we need. But often the location of power stations turn out to be objectionable to people either because of possible air pollution or possible heating of the water or possible defacement of the landscape. Yet we must have the power stations.

What are the balances between the environmental problems and the need for our economic survival and our economic progress.

So, all of these considerations must be balanced so the "think-tank" idea that you mention is very pertinent—because a great deal of thought and examination and research will be needed to make sure just what policies the Government can follow to accommodate all these things.

Mr. GUDE. This puts a tremendous burden on the staff. What steps have you taken, both as to quality and size of staff, to achieve the sort of professional backup that the Council should have?

Dr. DUBRIDGE. Let me first mention that we must tap widely the nongovernmental people of the country. We can't bring everybody in the Government but there are many people throughout the country with expertise in the various aspects of the environment.

The President's Science Advisory Committee itself consists of a core of experts in science, engineering, and social sciences from the academic institutions, industrial companies, and so on. They, however, set up a very large number of panels with a very large number of advisers, consultants, members of these panels.

We have a very active panel on environmental problems which is now in the process of completing a 2-day meeting. They have been very active in bringing problems to the attention of the Council. The citizens committee has been instructed by the President first to add to its membership people in areas not already represented on the Council—on the committee—and also to seek contact with a very wide number of expert agencies that exist around the country all the way from the Audubon Society and the Sierra Club on the one side to the civil engineering, sanitary engineering groups and so on on the other side, so that the voluntary advisory services of a large number of people throughout the country will be fed into the office.

Now to handle these problems, the office will need additional staff. I can't predict at the present time exactly how many we will need a year from now. I do know that we now intend to find an addition to the eight or nine members of our staff who now work part time at the least on environmental problems. One of our busiest staff members is Dr. John Buckley, here with me this morning, who is an ecologist and who has been spending full time in recent weeks working on the problems of the issues to come before the Council.

There are a number of other members of staff in the energy field, biology field, who are also working actively right now; but we will need at least a half dozen other full-time professionals in the fields of conservation, in the fields of civilian engineering, in the fields of ecology, biology, public health, who will work together.

We think right now if we can get six people during the coming few weeks that this, in addition to the eight or nine we now have, will constitute a good core of staff support for the Council. Experience will have to guide us as to the future.

Mr. GUDE. Thank you very much.

Mr. REUSS. Mr. McCloskey?

Mr. MCCLOSKEY. Thank you, Mr. Chairman.

Dr. DuBridge, to sum this up, I would like, if I could, to relate what I understand to be the three approaches that we are trying to resolve here and state what we have agreed on and what we have disagreed on.

I had the privilege of hearing your testimony on H.R. 6750, which has a little different approach, before a subcommittee of the Committee on Merchant Marine and Fisheries.

Dr. DUBRIDGE. Much of what I said was the same as what I said today.

Mr. MCCLOSKEY Yes. The House and Senate committees that heard this and the White House seem to agree on the following principles: First, that there should be new emphasis at the White House level on environmental quality, upgrading some function in the White House to approximately the same level as the urban advisers and the economic advisers to the President.

Dr. DUBRIDGE. Correct.

Mr. MCCLOSKEY. The recognition that environment quality now has at least as high a priority as those two aspects of the President's decisionmaking.

Dr. DUBRIDGE. Correct.

Mr. MCCLOSKEY. Second, we agree there should be an independent evaluation of all Federal activity, something outside the existing Council on Environmental Quality set up by Executive Order 11472. I want to identify this precisely because H.R. 11952, as originally conceived, would transfer evaluation functions to that Council.

H.R. 6750 would create a new Council. Senator Jackson's bill as originally conceived would create a new Council with its members to be appointed with the advice and consent of the Senate.

Then, the President's budget proposal would add five new specialists to your own Office of Science and Technology plus a sixth individual who would be assistant director for environmental quality. Those six staff personnel, backed up by secretarial help, in essence, would give this independent evaluation to environmental problems.

Dr. DUBRIDGE. Yes.

Mr. MCCLOSKEY. If that third approach is to be the method, you will need congressional budgetary approval of these six new staff members, will you not?

Dr. DUBRIDGE. We can accomodate them in our present budget request if it is fully allowed. Unfortunately, the House Appropriations Committee reduced our budget request somewhat. We hope the Senate may restore it so we can be sure to get these additional people. But if we get the full budget request—we had foreseen in part the work of the Environmental Quality Council in preparing the budget and preparing our staffing plans for this current fiscal year, so within the President's budget for fiscal year 1970 there are the funds to do the things I have referred to in my statement.

Mr. MCCLOSKEY. This is my point. In your testimony on page 8 you say and I quote:

> Any necessary extension of my office to handle this work can be done within the existing structure without the necessity for new legislation.

Dr. DUBRIDGE. Except appropriation legislation, I should have said.

Mr. MCCLOSKEY. So, in essence, if the House is to back away from

H.R. 6750 and H.R. 11952 which would do this by statute, the House will also have to approve six new members of your office to carry on the function you feel should be accomplished.

Dr. DuBridge. Yes.

Mr. McCloskey. So we are in agreement as to the end result but we have different channels of getting it.

Dr. DuBridge. I am not quite clear what the different channels are. As far as this bill is concerned, it does not in any way impinge upon the plans of the President to strengthen OST as the Secretariat for his Council, and we are working along those lines of strengthening the Staff of OST to strengthen the Secretariat of the President's Council. This bill in no way impinges on that and indeed gives support to that idea.

Therefore, if that is what you are saying, I am in full agreement and the only thing we surely need to have is appropriations support as we seek next year to increase the staff. We believe that for the current fiscal year the staff provided for in our existing budget request, and as described in my statement, will be adequate to get the Council through the next fiscal year; but we will certainly be reviewing in the summer the fiscal year 1971 budget proposals as to what the needs will be for fiscal year 1971. They will surely be larger.

Mr. McCloskey. Do you anticipate creating these six new positions on the OST staff before congressional budgetary approval for fiscal year 1970?

Dr. DuBridge. The answer is a little complicated because we already have some vacancies we are now trying to fill that were authorized in fiscal year 1969. The continuation resolution allows us to continue with our fiscal 1969 level of staffing and expenditures. When the fiscal year 1970 budget is approved, this will give us additional positions, so we are both filling vacancies under the previous fiscal year 1969 level, as well as looking for candidates which we will hope to appoint as soon as the fiscal year 1970 budget authorization is complete.

Mr. McCloskey. I understand, from your testimony before the Merchant Marine and Fisheries Subcommittee, that of the 24 professional positions now authorized in the Office of Science and Technology there are no full-time environmental scientists or ecologists.

Dr. DuBridge. At the present time.

Mr. McCloskey. How soon do you expect to have any full-time environmental scientists or ecologists as members of the OST staff?

Dr. DuBridge. May I ask my administrative assistant, Mr. Pagnotta, to clear this up?

Mr. Pagnotta. The answer to that question is: Dr. Buckley is a full-time staff member of OST in environment and is one of 24 people on the OST staff.

Mr. McCloskey. So, you have one now working full-time on environmental quality?

Mr. Pagnotta. Full-time, yes.

Dr. DuBridge. We are seeking additional candidates. How many positions can we fill tomorrow?

Mr. Pagnotta. We can fill six more positions tomorrow if necessary.

Dr. DuBridge. Under existing budgetary authorities.

Mr. McCloskey. Dr. DuBridge, may I ask if the Jackson bill, as it now stands, represents the agency's position on the legislation that can answer this problem?

Dr. DuBridge. You mean the bill reported out this week?

Mr. McCloskey. Yes.

Dr. DuBridge. The answer is yes and no. As you know, we had hoped that the Jackson bill or the Dingell bill would not create a new agency in the Executive Office of the President, but that whatever kinds of people, with whatever kinds of charges and duties are required to strengthen the environmental work, would be incorporated with an existing structure of the Executive Office of the President.

The attempt of the President has always been to keep his Executive Office as simple a structure as possible and not to have a lot of different agencies with overlapping or even competing responsibilities within his own office. We preferred therefore that the Jackson bill and other bills would simply authorize the strengthening of the existing structure in the Executive Office of the President, rather than creating a new agency therein whose relationships with OST would be vague, in part competing, and in part simply unclear.

Senator Jackson's committee, however, has not been willing to follow the agency's hopes in this direction and the present form of his bill does include—he now calls it not a council but a board of environmental advisors to avoid confusing between the two councils. If this bill passes, then the President would take it under consideration and see how he could make it fit within the Executive Office of the President.

We would have preferred not to have this complication in the Executive Office of the President, but to strengthen the existing structure rather than adding a new element to it, the charges to which element are in some ways duplicating, in some ways overlapping, the charges already given to the Office of Science and Technology.

Mr. McCloskey. I can certainly understand your reservation because if that board were to be within the Office of Science and Technology as you proposed it, it would then in effect report directly to you and also in your capacity as secretary to the Executive order created Council.

Dr. DuBridge. Yes.

Mr. McCloskey. Thank you, very much.

Dr. DuBridge. So it makes for a little awkward situation, to put it mildly, to have another agency also reporting to the President with somewhat similar duties to those that the President already assigned to OST. And even in the Jackson bill, a number of environmental duties are assigned to OST, which are not in my mind not very clearly separated from the duties assigned to the Board of Environmental Advisors which the bill proposes.

Mr. McCloskey. I would like to echo Mr. Vander Jagt's mention of our concern because I think it comes through loud and clear, both from this committee and from Merchant Marine and Fisheries, that the present President's envisioned emphasis on environmental quality, both through the Office of Science and Technology and his new Council, is somewhat skeptically received because of the absence of the Corps of Engineers or the Secretary of the Army or the Atomic Energy Commission from that Council. In our concerns with the environment, we have found both the Atomic Energy Commission and the Corps of Engineers to be major contributors to pollution. Furthermore, the Office of Science and Technology, in the past, as you have

stated, has not had ecologists working full-time but has been oriented toward the principles of atomic energy and science and technology—toward defense problems rather than environment.

It's that concern perhaps that leads us to the one disagreement that I see here, and that is: Can we be sure without statutory action that the White House will continue this emphasis on environmental quality that the President espoused and you so ably testified to?

Dr. DuBridge. I think statutory action will be very helpful because when a particular agency or department is not an actual member of the Council it does not mean the Council will not direct that department to carry on or alter its activities in such a way as to take into account environmental matters.

It's still the President's Council and it's still the President's authority to dictate or to direct the Department of Defense, Corps of Engineers, Atomic Energy Commission, and the other agencies, as to how to accommodate their activities and policies to the policies that are evolved in this rather small and intimate Council which advises the President and then leaves him to issue such directives to any agency of Government that may be involved.

So, it's a difference between having everybody involved sitting around the table and having a small committee to consider the policy problems and then of the President's issuing directives to the various agencies.

Mr. McCloskey. One final question. One thing about this on which I would like to commend you and the President in your testimony: Isn't this the first time that the Office of Science and Technology has been involved in the formalization of a report to the Congress as opposed to just the President?

Dr. DuBridge. I don't think so. I think the reorganization plan which gave statutory backing to the Office of Science and Technology—made it a statutory body—provided that the Office of Science and Technology should report not only to the President but to the Congress.

Mr. McCloskey. In matters of environmental quality?

Dr. DuBridge. On I think maybe the activities of OST, the broad spectrum of which are probably not widely known to the public or to the Congress. Science and Technology has been considered in a very broad context by my predecessors and by the staff of OST. It has for a number of years been involved in various areas in the civilian life that do impinge on the environment.

The President's Science Advisory Committee has, before I came into office, had an environmental panel of real experts studying deeply the environmental problems. It had before I came into office an urban affairs panel to study the problems which are largely environmental problems relating to some of our urban problems.

It had a committee on academic science which has been looking at the academic institutions and how they are doing all their scientific work, including work in environmental and biological, ecological and other areas. So, the interests of OST—OST is almost a misnomer now because it goes beyond the normally narrow defined areas of just science and technology but is impinging, is looking at the areas where science and technology impinge on our social, our economic, and other problems of our society.

Mr. McCloskey. Before this Executive Order 11472, had OST prepared any reports to the Congress?

Dr. DuBridge. On environmental——

Mr. McCloskey. On anything?

Dr. Buckley. Perhaps I can answer in part on this. There have been a number of reports which have been available to the Congress, but in the sense of a required report to the Congress I think the answer is "No." On the other hand, we often testified before various bodies of the Congress in response and we have provided materials to them.

Dr. DuBridge. We have issued public reports.

Mr. McCloskey. I merely wanted to convey the sense of commendation that the President's choice of the first topic on which the OST would, by statutory authority, make a report to the Congress periodically is environmental quality. And I am delighted by it. Thank you.

Mr. Reuss. Mr. Moss?

Mr. Moss. First, Doctor, I want to extend my apology for missing your personal delivery of your statement. I found myself faced with the problem common to many Members of the Congress: Conflicting committee meetings.

Dr. DuBridge. I know what you mean.

Mr. Moss. I am very much interested in pursuing the questioning and expressing the concern which has been voiced by the gentleman from Michigan and my colleague from California, Mr. McCloskey, on the Corps of Engineers which has in a free-wheeling fashion been granting permits for the filling of wetlands, I think, without due regard to the impact upon the environment—showing only an interest in navigation and not in the broader and, in many instances, the more significant, values of our society.

It seems to me, the fact the Secretary of Defense is an overburdened man—and no one would question that—would hardly constitute justification in view of the fact that he has three subordinate secretaries for each of the departments of the military department, and under the Executive order itself there is specific authority granted for the designation of an alternate.

My question goes to that very point: To what extent does the Cabinet member designated directly participate in the meetings, and to what extent is an alternate involved rather than the Cabinet officer?

Dr. DuBridge. Well, experience with the Environmental Quality Council extends only to its first meeting, which was held in June, and all the Cabinet officers were there except one who was on the west coast, who was represented by his deputy. It has been my experience in the Urban Affairs Council, which is a somewhat parallel organization, that when the President is in the chair, the Cabinet members are there if they are in town. The only occasion on which Cabinet members have not appeared at the Urban Affairs Council is where they either had an appearance on the Hill—which takes precedence even over a Cabinet room meeting—or whether they have been out of town on an unavoidable trip.

Therefore, it is the Cabinet people who have been involved in the three agencies outside the Cabinet itself, the three councils that I have had experience with and have been sitting with: The National Security Council, Urban Affairs Council, and the Environmental Qual-

ity Council, in all three of which the President has always been in the chair and the Cabinet members have always been there except when absolutely unavoidably detained.

Mr. Moss. Are you cofining those comments to your experiences of the past 6 months?

Dr. DuBridge. Yes.

Mr. Moss. Because——

Dr. DuBridge. That's all the experience I had.

Mr. Moss. In my observation, frequently Cabinet committees tend to be, after say the first meeting or two, meetings of designees or substitutes for the Cabinet officers. Admittedly, the Cabinet officers are very busy.

Dr. DuBridge. My experience goes back only 6 months; but it has been my experience under this administration that when the President is in the chair, the Cabinet officers are there, too.

Mr. Moss. If the Council determines upon a policy which should be immediately communicated to the Corps of Engineers, would it be through the Secretary of Defense directly to the Chief of the Corps or through the Secretary of the Army?

Dr. DuBridge. It would be from the President through the Secretary of Defense, transmitted through the Secretary of the Army to the Corps of Engineers. Directives made through the top man in the agency.

Mr. Moss. There is no input in the discussion from DOD, Department of Army, or Chief of Engineers?

Dr. DuBridge. When we come to problems which are on the agenda involving DOD, we will certainly ask DOD representatives to be present.

Mr. Moss. You made the further statement that the President could direct any department or agency. Does that extend to the independent regulatory commissions such as the Federal Power Commission or the Interstate Commerce Commission?

I recall an instance where Franklin Roosevelt directed, I believe, Chairman Eastman of the Federal Power Commission—or of the ICC—to take a specific action or to perform a specific act and the Commission Chairman quoted the independence of the agency as the reason for failing to comply with the directive or the order of the President.

Isn't there in this area of the independent regulatory agencies at least a shading of gray as to the authority of the President to direct their participation or their actions?

Dr. DuBridge. Yes. I think one would have to look at each agency separately and see what the Congress provided as to its independence as to whether it does have independence from the President or whether it does not. In some agencies, like the normal independent agencies, the Atomic Energy Commission, and so on, are clearly reporting directly to the President.

I would have to look at the statutes of some of the regulatory agencies.

Mr. Moss. There are two types of independent agencies. AEC, which is not within a department, is therefore independent of a department?

Dr. DuBridge. Yes.

Mr. Moss. But the independent regulatory agencies performing the duties of the Congress under the commerce clause of the Constitution are made independent of the Executive and of the Congress for the purpose of carrying out their regulatory functions?

Dr. DuBridge. Yes, sir.

Mr. Moss. That brings me to the next question, which is the statutory approach, rather than just reliance upon an Executive order. The statutory approach could bring these agencies very clearly into the active participation, and under the jurisdiction of the policy proposals, of the Office of the Science Adviser, whatever the board, the environmental board, whatever the structure might be. This could be accomplished by statute where it couldn't be accomplished, if I'm correct, by Executive order.

Dr. DuBridge. Yes, I think you're right. I'm not clear about the statutory responsibilities and independence of the regulatory agencies, and I'm sure you are.

Mr. Moss. I have served for 15 years on the Interstate and Foreign Commerce Committee, where we deal with these agencies.

Dr. DuBridge. If you think there is a statutory need for legislation, so that their activities in the environmental field can come under the directive of the President as Chairman of the Environmental Quality Council, this would bring in a statutory provision that I didn't touch on in my remarks and indeed hadn't considered before you brought up the question.

Mr. Moss. I will, in order to make this point more precise, direct a letter to you at a very early date. On the occasion of that letter I will deal specifically with an item you mentioned—power stations—because there would probably be two approaches to power reliability upon which you will be called to comment.

It's my understanding that you have advised with Federal Power Commission Chairman White and Commissioner O'Connor—at least you are familiar with their bill on power reliability, or are you familiar with the legislation I have introduced on power reliability?

Dr. DuBridge. Is this the bill that involves also the environmental problems of power stations?

Mr. Moss. Yes.

Dr. DuBridge. Yes.

Mr. Moss. The difference being that the bill offered by the two Commissioners on their own behalf downgrades the environmental function and makes it advisory only, while the bill which I have introduced permits a veto recognizing, for example, I think, the concern that Congressman McCloskey expressed about the AEC, which in connection with power goes to thermal pollution.

I regard this as a very serious problem, as we have an increasing need for ever more, and certainly ever larger, power stations, talking in the range of two or three or four, maybe 10 thousand megawatt stations.

Dr. DuBridge. As you probably know there is a group in my office which has been charged by the President with studying our whole problem of energy policy in this country. This includes the relation between fossil fuel and nuclear energy, the problems of siting power-

plants, of environmental effects of powerplants and of transmission lines and pipe lines, as well as trade and economic policies having to do with energy.

That group is headed by Mr. David Freeman and has been in close touch with these bills, and we are trying to promote the provisions of some of these bills that give more adequate and clear authority to consider environmental problems in all siting of power stations and power facilities.

Our office and the President are in favor of giving adequate authority so the siting of power lines and facilities will be done only after due consideration of environmental problems.

Mr. Moss. I want to thank you not only for your formal statement but for the response, the spirit of cooperation which has been clearly evidenced throughout the morning and I will, as I indicated, address at a very early date a letter to you on the more specific question.

Dr. DuBridge. Thank you.

Mr. Reuss. The problem raised by Congressman Moss and others on Government-by-committee recalls that jingle you may have heard:

In none of the parks
In none of our cities
Are monuments erected
To committees.

[Laughter.]

Dr. DuBridge. Yes.

Mr. Reuss. I think you have to make a value judgement: If you get your committee or Council high enough, and in this case one can't complain, headed by the President, and with most of the Cabinet in it—if you get it at that level, you do get an imprimatur of some importance.

If you do that, you probably sacrifice attendance and don't actually get the President and the Cabinet there every month as you would like. As far as I'm concerned, this is worth a good try. At least you have the high level. Whoever the Cabinet member sends, he has to be someone who speaks with their authority.

Dr. DuBridge. Correct.

Mr. Reuss. I have great hopes that, whatever else may be done by way of a truly independent council, the Environmental Quality Council can be a very important part of the Government.

Dr. DuBridge. May I make a comment on the substructure which will be required to support the Environmental Quality Council? Each Cabinet member represented has been asked to name a top level staff member in his department who will work with me and my staff on the staff work required so that we will have a kind of sub-Cabinet level staff director's group. And with those designees, we will conduct our day-by-day conversations and discussions having to do with the policy items, the factual items and so on, which will be brought to the attention of the Council and which will then be responsible for working out the details of implementing the Council's policies and directives and so on.

So, there will be a very broad infrastructure, so to speak, of staff collaboration and support to the work of the Council. But when the Cabinet member himself designates a staff member to be his representative, it is up to him to carry out and coordinate within his department and other departments the staff work required.

Mr. REUSS. To conclude, unless you gentlemen have anything further you would like to add, we are very grateful to you for your contribution. I think we have made real progress. We shall very shortly address an informal letter to you containing a few language changes, and then I think we shall have attained something like a meeting-of-the-minds and we shall see where we go from there.

Thank you, Dr. DuBridge.

The subcommittee will now stand adjourned.

(Whereupon, at 11:45 a.m., the subcommittee adjourned.)

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